

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 5:18-cr-00041

DAVID MOORE,

MEMORANDUM OPINION AND ORDER

Pending is Defendant David Moore's Motion for Appointment of Counsel [Doc. 176], filed October 5, 2020. Mr. Moore seeks the appointment of counsel for his Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c) [Doc. 167].

"It is well settled that 'a criminal defendant has no right to counsel beyond his first appeal.'" *United States v. Legree*, 205 F.3d 724, 730 (4th Cir. 2000) (citing *Coleman v. Thompson*, 501 U.S. 722, 756 (1991)). "A motion pursuant to [18 U.S.C.] § 3582(c) 'is not a do-over of an original sentencing proceeding where a defendant is cloaked in rights mandated by statutory law and the Constitution.'" *Legree*, 205 F.3d at 730 (citing *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999), *cert. denied*, 528 U.S. 1023 (1999)).

Based on the foregoing, Mr. Moore's Motion for Appointment of Counsel [Doc. 176] is **DENIED**.

The Clerk is directed to send a copy of this written opinion and order to the Defendant and his counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTERED: October 26, 2020



Frank W. Volk
Frank W. Volk
United States District Judge